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10/058,494

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Noam Livnat

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EXAMINER

GOLD, AVI M

ART UNIT

PAPER NUMBER

2457

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/058,494 | <b>Applicant(s)</b><br>LIVNAT ET AL. |  |
|                              | <b>Examiner</b><br>AVI GOLD          | <b>Art Unit</b><br>2457              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

This action is responsive to the amendment filed on November 13, 2008. Claims 1-7, 9, and 10 are pending.

### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The first limitation discloses a second device having a plurality of communication protocols including a second communication protocol, while the second limitation discloses determining that the second communication protocol is not installed on the second device. The first and second limitation contradict each other.

Claim 6 is necessarily rejected as being dependent upon the rejection of claim 5.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al., U.S. Patent No. 7,320,126.

Chang teaches the invention as claimed including systems and methods for enabling a user to update the firmware associated with a mass digital data storage system such as a memory card (see abstract).

Regarding claim 1, Chang teaches a method for delivering a communication protocol to an electronic device, comprising:

physically attaching a first electronic device having a first communication protocol to a second device having a plurality of communication protocols, the plurality of communication protocols including the first communication protocol and a second communication protocol (col. 6, lines 1-5, Chang discloses attaching a memory card to a reader, col. 7, lines 10-26, Chang discloses the reader with multiple firmware and the memory card having one firmware);

establishing communication between the first and second devices using the first communication protocol (col. 7, lines 17-23, col. 8, lines 18-27, Chang discloses the reader communicating with the memory card);

transferring the second communication protocol from the second device to the first device (col. 7, lines 23-27, col. 8, lines 28-61, Chang discloses the new firmware transferred and installed on the memory card);

installing the second communication protocol on the first device (col. 7, lines 23-27, col. 8, lines 28-61); and

switching to the second communication protocol for further communication (col. 9, lines 7-19).

Regarding claim 2, Chang teaches the method of claim 1 wherein the first and second communication protocol are software communication protocols (col. 7, lines 10-27).

Regarding claim 3, Chang teaches the method of claim 1 wherein the first and second electronic devices are handheld devices (col. 7, lines 10-27).

Regarding claim 4, Chang teaches the method of claim 1 wherein the established communication is point-to-point communication (col. 7, lines 10-27).

Regarding claim 5, Chang teaches a method for exchanging data between electronic devices, comprising:

physically attaching a first electronic device having a first communication protocol to a second device having a plurality of communication protocols, the plurality of

communication protocols including the first communication protocol and a second communication protocol;

determining that the second communication protocol is not installed on the second device;

based on this determination, selecting the first communication protocol from the plurality of communication protocols; and

establishing communication between the first and second devices using the first communication protocol (col. 7, lines 10-27, col. 8, line 18 – col. 9, line 19).

Regarding claim 6, Chang teaches the method of claim 5 further comprising:  
transferring the second communication protocol from the second device to the first device;

installing the second communication protocol on the first device; and  
switching to the second communication protocol for further communication (col. 7, lines 10-27).

Regarding claim 7, Chang teaches an apparatus for delivering data to a handheld electronic device, the apparatus comprising: an electrical connector physically coupling the apparatus to the handheld device;

non-volatile storage for storing a plurality of communication protocols including a first communication protocol and a second communication protocol; and

a processor configured to:

establish communication with the handheld device using the first communication protocol via the electrical connector;

transfer the second communication protocol to the handheld device via the electrical connector;

install the second communication protocol on the handheld device; and

switch to the second communication protocol for further communication with the handheld device (col. 7, lines 10-27, col. 8, line 18 – col. 9, line 19).

Regarding claim 9, Chang teaches the apparatus of claim 7 wherein the first and second communication protocol are software communication protocols (col. 7, lines 10-27).

Regarding claim 10, Chang teaches the apparatus of claim 7 wherein the established communication is point-to-point communication (col. 7, lines 10-27).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-7, 9, and 10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,141,690 to Weiman

U.S. Pat. No. 5,349,649 to Iijima

U.S. Pat. No. 6,738,815 to Willis, Jr. et al.

U.S. Pat. No. 6,098,138 to Martinelli et al.

U.S. Pat. No. 5,696,903 to Mahany

U.S. Pat. No. 5,287,541 to Davis et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AVI GOLD whose telephone number is (571)272-4002. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Application/Control Number: 10/058,494  
Art Unit: 2457

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Avi Gold

Patent Examiner

Art Unit 2157

AMG

/Salad Abdullahi/  
Primary Examiner, Art Unit 2457